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IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF UTAH, CENTRAL DIVISION

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Direct Mortgage Corporation, a Utah  
Corporation,

Plaintiff,

vs.

Keirtec, Inc., a Nevada Corporation, doing  
business as US Mortgage Source, Omar Nazihi,  
Celsa Arbaiza, Nick Poullas, Walker Appraisal  
Service, a Nevada Corporation, James Brown,  
LandSafe, Inc., and John Does 1-5,

Defendants.

MOTION TO DISMISS

Case No. 2:06-cv-00853 PGC

Judge Paul G. Cassell

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff moves for dismissal of all claims without prejudice. Plaintiff's Motion results from a number of procedural conditions. First, Plaintiff and Defendants Keirtec, Inc., Celsa Arbaiza, and Nick Poullas have reached a settlement wherein Plaintiff has agreed to dismiss all claims against them without

prejudice. Second, with the contract, fraud, misrepresentation and conspiracy claims having been resolved the only claims remaining relate to faulty appraisals. Plaintiff believes these claims are best and most efficiently litigated in Nevada. Plaintiffs' counsel has contacted counsel for Walker, Brown and LandSafe, Inc. to inquire about the preferred jurisdiction for litigation of the remaining claims. Counsel for Walker stated a strong preference for Nevada State Court. Counsel for Brown stated a mild preference for State Court. Counsel for LandSafe Inc., stated a strong preference for Federal Court in Nevada. Without unanimity among defense counsel, if Plaintiff's Motion is granted, Plaintiff represents to the Court that Plaintiff will refile against Defendants Brown and Walker and may refile against LandSafe Inc. in State Court in Nevada thus accomplishing Plaintiff's commitments to Defendants Keritec, Arbaiza, and Poullas and complying with the preferences of Walker and Brown. Plaintiff's Memorandum in Support on this Motion is filed herewith.

DATED the \_\_\_\_ day of May, 2007.

By: /s/ Michael E. Huber  
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CERTIFICATE OF SERVICE

I hereby certify that on the 7<sup>th</sup> day of May, 2007, a true and correct copy of the MOTION TO DISMISS was filed electronically through the CM/ECF system, which caused the following partes or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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/s/ Michael E. Huber